

**CHARTER**  
**DEPARTMENT OF STATE**  
**ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW**

**1. Committee's Official Designation**

Advisory Committee on Private International Law ("the Committee").

**2. Authority**

The Committee is established under the general authority of the Secretary of State and the Department of State as set forth in Title 22 of the United States Code, including sections 269g, 2651a and 2656 of that Title. The approval of this Charter by the Under Secretary for Management constitutes a determination by the Secretary that the maintenance of the Committee is in the public interest in connection with the performance of duties authorized for the Department of State.

**3. Objectives and Scope of Activities**

The purpose of the Committee shall be to serve the Department in a solely advisory capacity with respect to significant issues of international private law arising or likely to arise in the work of international organizations of which the United States is a Member State, or in international bodies in whose work the United States has an interest, or in the foreign relations of the United States.

**4. Description of Duties**

The functions of the Committee shall be solely advisory, and any determination or action to be taken that is the subject of any recommendations made by the Committee or any of its members will in all cases be made by appropriate officers of the United States Government.

## **5. Agency or Official to Whom the Committee Reports**

The Committee shall report to the Secretary of State or the Secretary's designee.

## **6. Support**

The Department of State, Office of the Legal Adviser shall be responsible for providing administrative and other support for the functioning of the Committee and its study groups.

## **7. Estimated Annual Operating Costs and Staff Years**

Funding necessary for the organization and operation of the Committee and its study groups shall be supplied by the Office of the Legal Adviser, unless other funding sources are available.

The members of the Committee shall serve without compensation, but may in the case of public agency employees, academicians and comparable participants and where approved in advance be allowed transportation and other expenses, subject to availability of funds and not to exceed authorized expenses for an employee of the United States, and only to the extent that such expenses are not reimbursed by another organization or source.

The estimated operating costs of the Committee are \$48,000 per year including the pro-rated salaries for Department employees who work on the Committee. Approximately 0.35 employee-years are applied annually to the work of the Committee.

## **8. Designated Federal Officer**

There shall be an Executive Director who will serve as the Designated Federal Officer ("DFO"). The DFO must be a full-time or permanent part-time employee, appointed by the Department of State, and must attend all meetings of the Committee or any study group. See also paragraph 12.D. 1. Each attorney in the Office of the Assistant Legal Adviser for Private International Law may serve as an Alternate Executive Director for this purpose.

## **9. Estimated Number and Frequency of Meetings**

It is anticipated that the Committee will meet at least once a year and that its study groups will meet as necessary. No quorum is required for the conduct of business at a Committee meeting.

Meetings of the Committee and any study groups will, unless notice is otherwise provided, be open to the public and to all interested agencies, organizations or others. Meetings of the Committee and its study groups will be announced in the *Federal Register* not less than fifteen calendar days in advance thereof. If circumstances require a shorter period of notice, the reasons therefore will be included in the meeting notice.

Members of the general public who wish to attend a meeting will be admitted up to the limits of the capacity of the meeting room, unless it is determined pursuant to Section 10(d) of the Advisory Committee Act to be in the public interest that the meeting or any part thereof be closed to the public. When it is so determined, the notice in the Federal Register announcing the meeting will so state.

## **10. Duration**

The Committee will operate on a continuing basis.

## **11. Termination**

In accordance with Section 14 of the Advisory Committee Act, the Committee will terminate two years from the date of this Charter, unless the Committee Charter is formally renewed in accordance with applicable regulations.

## **12. Membership and Designation**

A. The Committee consists of one or more representatives of the Department of State; representatives of the Departments of Justice and Commerce and such other agencies as may from time to time be requested to participate; representatives of national organizations whose professional activities involve the field of private international

law; and other experts in private international law. The Chair of the Committee may organize specialized study groups as authorized below.

## B. Designation of Officers and Members

(1) The Legal Adviser may serve as Chair of the Committee, and may designate from the Office of the Legal Adviser a Vice Chair, an Executive Director, and other officers as deemed appropriate. The Vice Chair and the Executive Director may exercise any authority granted the Chair under this Charter.

(2) The Chair of the Committee may invite representatives of the Departments of Justice, Commerce and such other agencies as may from time to time be identified to serve as members of the Committee.

(3) The Chair of the Committee may invite members of national organizations listed herein or such other organizations as may be added from time to time or other experts in private international law to serve as members of the Committee.

- American Association of Comparative Law
- American Bar Association
- American Branch of the International Law Association
- American Corporate Counsel Association
- American Law Institute
- American Society of International Law
- Association of American Law Schools
- Judicial Conference of the United States
- National Association of Attorneys General
- National Association of State Legislators
- Uniform Law Commission
- United States Council on International Business

## C. Establishment of Study Groups

(1) The Chair of the Committee may establish study groups to provide advice to the Committee on specialized subjects of private international law. Study groups do not have separate membership and

are open to public participation in the same manner as meetings and activities of the Advisory Committee.

(2) The Chair may at any time modify or terminate any study group established pursuant to this Charter.

#### **D. Other Responsibilities**

(1) The Chair, the Vice Chair, the Executive Director or their designee from the Office of Legal Adviser will approve the agenda for meetings, and will convene, preside at, and adjourn all meetings, and certify the accuracy of summary reports (minutes) of the Committee and its study groups.

(2) The summary reports shall include the time and place of the meeting, a list of participants, including Advisory Committee members, federal agency employees, and members of the public, a summary of matters discussed, and copies of all documents received, issued, or approved, if any, by the Advisory Committee. When a determination has been made to close the meeting, the minutes shall include the first two items and such additional information as is consistent with the purpose of closing a meeting in whole or in part.

### **13. Subcommittees**

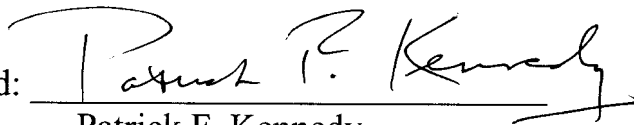
The study groups report back to the parent committee, and must not provide advice or work products directly to the Department of State.

### **14. Recordkeeping**

The records of the Committee shall consist of all papers and documents pertinent to its establishment and activities, including its Charter, agenda, and determinations for closed meetings, minutes, reports, and all documents related to its proceedings, including those of any study groups. The records shall be handled in accordance with General Records Schedule 26, Item 2. These records shall be available for public inspection and copying to the extent required by the Freedom of Information Act, 5 U.S.C. Sec. § 552, at the Department of State.

**15. Filing date: *[filled in when filed]***

NOW, THEREBY, this Charter shall be considered approved by the Department of State as of this date and shall be provided to the Senate Foreign Relations Committee and the House Foreign Affairs Committee, and to the Library of Congress pursuant to the provisions of the FACA.

Approved:   
Patrick F. Kennedy  
Under Secretary of State for Management

Date: December 6, 2011